

REMARKS

The invention relates to a substance delivery device particularly useful for delivery of drugs into body cavities. The device has a wishbone shape with at least two attachable pods that deliver the drug.

Upon entry of the present amendment, Claims 1, 3-5, 8-9, 11-14 and 17-20 will be pending in this application. Claims 1, 3 and 4 are currently amended. Claims 2, 6-7, 10 and 15-16 are canceled without prejudice. No new matter is added and support for the amendments can be found throughout the instant application.

Allowable Subject Matter

In the Non-Final Office Action mailed November 11, 2006, the Examiner objected to Claim 7 for being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claim. Applicants submit that Claim 7 is cancelled herein and the subject matter of Claim 7 is incorporated into independent Claim 1. Accordingly, applicants respectfully submit Claim 1 is now in the form for allowance.

Rejections based on 35 U.S.C. §102(e)

In the Final Office Action mailed July 16, 2007, Claims 1-6, 8-9, 12-14 and 17-19 were rejected under 35 U.S.C. §102(e) as being anticipated by Anderson *et al.*, (US 5,816,248). Applicants respectfully submit that amendments to the claims overcome the rejection.

Applicants respectfully submit that Anderson *et al.*, fail to teach a delivery device wherein at least one of the **pods is flexibly attached to a corresponding arm by a ball and socket mechanism**, as recited in amended Claim 1. Applicants respectfully submit support for the above amendment can be found in previously filed Claims 6 and 7, page 9, lines 1-2, page 12, lines 15-16 of the substitute sheets and Figure 1 of the instant application.

Applicants have incorporated the subject matter of previously filed Claims 6 and 7 into Claim 1 and have accordingly cancelled Claims 6 and 7.

Applicants submit that Anderson *et al.*, fail to teach or suggest a substance delivery device with a pod structure as structurally defined herein.

Applicants acknowledge that the Examiner found Claim 7 allowable, if rewritten in independent form that incorporated all the limitations of the base claim and any intervening claim, as stated in the Office Action mailed November 11, 2006. Applicants submit that the incorporation of allowable subject matter from Claim 7 into Claim 1 as provided herein, overcomes the rejections under 35 U.S.C. §102(e) and kindly request withdrawal of the rejection.

Rejections based on 35 U.S.C. §103(a)

In the Final Office Action mailed July 16, 2007, Claim 11 was rejected under 35 U.S.C. §103(a) as being obvious over Anderson *et al.*, (already of record). Applicants respectfully submit that amendments to the claims overcome the rejection.

Applicants respectfully submit that Claim 1 is amended herein to recite structural features of the delivery device that are not taught or suggested by Anderson *et al.* Claim 11 depends directly on amended Claim 1. As discussed above, Applicants have incorporated the allowable subject matter of previously filed Claim 7 into Claim 1 and have accordingly cancelled Claim 7. Applicants respectfully submit that based on the dependency of Claim 11 on amended Claim 1, that Claim 11 is now in a form for allowance.

Applicants respectfully submit that Anderson *et al.*, fail to teach or suggest a substance delivery device with a pod structure as structurally defined herein.

Applicants submit that the incorporation of allowable subject matter from Claim 7 into Claim 1 as provided herein, and the dependency of Claim 11 on Claim 1 overcomes the rejection of Claim 11 under 35 U.S.C. §103(a) and kindly request withdrawal of the rejection.

In the Final Office Action mailed July 16, 2007, Claim 20 was rejected under 35 U.S.C. §103(a) as being obvious over Anderson *et al.*, (already of record). Applicants respectfully submit that amendments to the claims overcome the rejection.

Applicants respectfully submit that Claim 1 is amended herein to recite structural features of the delivery device that are not taught or suggested by Anderson *et al.* Claim 20 depends directly on amended Claim 1. As discussed above, Applicants have incorporated the allowable subject matter of previously filed Claim 7 into Claim 1 and have accordingly cancelled Claim 7. Applicants respectfully submit that based on the dependency of Claim 20 on amended Claim 1, that Claim 20 is now in the form for allowance.

Applicants respectfully submit that Anderson *et al.*, fail to teach or suggest a substance delivery device with a pod structure as structurally defined herein.

Applicants submit that the incorporation of allowable subject matter from Claim 7 into Claim 1 as provided herein, and the dependency of Claim 20 on Claim 1 overcomes the rejections under 35 U.S.C. §103(a) and kindly request withdrawal of the rejection.

CONCLUSION

In light of the amendments and the above remarks, Applicants are of the opinion that the Final Office Action has been completely responded to and that the application is now in condition for allowance. Such action is respectfully requested.

If the Examiner believes any informalities remain in the application that may be corrected by Examiner's Amendment, or there are any other issues that can be resolved by telephone interview, a telephone call to Dr. Zara Doddridge at (404)-815-6473 or Dr. John McDonald at (404) 745-2470 is respectfully solicited.

Respectfully submitted,

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